IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ALAN SOLARCHICK AND CARLA SOLARCHICK,   )
)
     Plaintiffs,   )
)
   -vs-   )   Civil Action No. 01-444
)
METROPOLITAN LIFE INSURANCE COMPANY,   )
)
     Defendant.   )

AMBROSE, Chief District Judge.

MEMORANDUM ORDER OF COURT

Defendant seeks to exclude Exhibits 16, 17, 18,[1] and 29 of Plaintiffs' Pre-Trial Statement relating to the accelerated premium plan ("APP") illustrations. (Docket No. 89). Defendant first seeks to exclude the Exhibits based on relevance. Specifically, Defendant argues that because the documents were created in the 1980s, the documents are irrelevant to the events occurring in 1995. I disagree. Defendant's concern in this regard goes to weight, not admissibility and can be dealt with on cross-examination. Moreover, the documents are relevant to show a business pattern and practice regarding vanishing premiums, an issue in this case. *See*, Fed. R. E. 406. Consequently, I will not exclude them on this basis.

Defendant next argues that the documents should be excluded because of they are unfairly prejudicial to Defendant. After engaging in a through Rule 403

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[1]In their Brief in Response, Plaintiffs concede that they do not intend to use Exhibit 18 at trial. *See*, Docket No. 140, p. 3. Consequently, Defendant's Motion with regard to Exhibit 18 is now moot.

analysis, I disagree. I do not find that probative value to be substantially outweighed by the danger of unfair prejudice.

THEREFORE, this 11th day of May, 2006, upon consideration of Defendant's Motion to Exclude Plaintiffs' Exhibit Nos. 16, 17, 18 and 29, Approval Process of Accelerated Premium Plan - Related Documents (Docket No. 89) and the related submissions, it is hereby that said Motion is denied as Plaintiffs' Exhibit Nos. 16, 17, and 29. It is further ordered that said Motion (Docket No. 89) is denied as moot as to Plaintiffs' Exhibit No. 18, since Plaintiffs do not intend to use the same at trial.

BY THE COURT:

/S/   Donetta W. Ambrose
Donetta W. Ambrose,
Chief U.S. District Judge